

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

1	IN THE MATTER OF	)	
	EVERETT MASONIC CORP.,	)	
2		)	
	Appellant,	)	PCHB No. 504
3		)	
	vs.	)	FINAL FINDINGS OF FACT,
4		)	CONCLUSIONS OF LAW
	PUGET SOUND AIR POLLUTION	)	AND ORDER
5	CONTROL AGENCY,	)	
		)	
6	Respondent.	)	
7		)	

8 THIS MATTER being an appeal of a \$50.00 civil penalty for an  
9 alleged smoke emission violation; having come on regularly for hearing  
10 before the Pollution Control Hearings Board on the 3rd day of June, 1974,  
11 at Seattle, Washington; and appellant, Everett Masonic Corp., appearing  
12 through its president, R. M. Inkster and respondent, Puget Sound Air  
13 Pollution Control Agency, appearing through its attorney, Keith D.  
14 McGoffin; and Board members present at the hearing being Walt Woodward,  
15 presiding, and Mary Ellen McCaffree; and the Board having considered the  
16 sworn testimony, exhibits, records and files herein and having entered  
17 on the 5th day of June, 1974, its proposed Findings of Fact, Conclusions  
18 of Law and Order, and the Board having served said proposed Findings,

1 Conclusions and Order upon all parties herein by certified mail, return  
2 receipt requested and twenty days having elapsed from said service;  
3 and

4 The Board having received no exceptions to said proposed Findings,  
5 Conclusions and Order; and the Board being fully advised in the premises;  
6 now therefore,

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed  
8 Findings of Fact, Conclusions of Law and Order, dated the 5th day of  
9 June, 1974, and incorporated by this reference herein and attached  
10 hereto as Exhibit A, are adopted and hereby entered as the Board's  
11 Final Findings of Fact, Conclusions of Law and Order herein.

12 DONE at Lacey, Washington, this 2nd day of July, 1974.

13 POLLUTION CONTROL HEARINGS BOARD

14 Walt Woodward  
15 WALT WOODWARD, Chairman  
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26 FINAL FINDINGS OF FACT,  
27 CONCLUSIONS OF LAW  
AND ORDER



1 Hearings Board makes these

2 FINDINGS OF FACT

3 I.

4 Smoke emissions from the furnace stack of a building owned and  
5 operated by appellant at 1611 Everett Avenue, Everett, Snohomish County,  
6 on August 20, 1968, January 18, 1973, July 11, 1973 and December 11, 1973  
7 caused respondent to serve on appellant four notices, citing four  
8 violations of Section 9.03 of respondent's Regulation I. No civil  
9 penalties were levied in connection with the first three violations.

10 II.

11 In connection with Notice of Violation No. 9226, issued on  
12 December 11, 1973, for an emission of smoke for five consecutive minutes  
13 of a shade darker than No. 2 on the Ringelmann Chart, respondent also  
14 served appellant with Notice of Civil Penalty No. 1313, in the sum of  
15 \$50.00, which is the subject of this appeal.

16 III.

17 Section 9.03 of respondent's Regulation I makes it unlawful to  
18 cause or allow the emission of an air contaminant of a shade darker  
19 than No. 2 on the Ringelmann Chart for more than three minutes in any  
20 one hour period. Section 3.29 authorizes respondent to levy a civil  
21 penalty of not more than \$250.00 for any violation of Regulation I.

22 IV.

23 Subsequent to the issuance of Notice of Civil Penalty No. 1313,  
24 appellant purchased a rebuilt automatic furnace burner but, as of  
25 the date of this hearing, same had not been installed.

26  
27 FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

V.

Any Conclusion of Law hereinafter stated which is deemed to be a Finding of Fact is adopted herewith as same.

From these Findings, the Pollution Control Hearings Board comes to these

CONCLUSIONS

I.

Appellant was in violation of Section 9.03 of respondent's Regulation I as stated in Notice of Violation No. 9226.

II.

The civil penalty invoked in Notice of Civil Penalty No. 1313, being one-fifth the maximum allowable amount and especially in view of three previous violations for which no civil penalty was levied, is reasonable in the extreme.

III.

Any Finding of Fact herein which is deemed to be a Conclusion of Law is herewith adopted as same.

Therefore, the Pollution Control Hearings Board issues this

ORDER

The appeal is denied and the penalty of \$50.00 is affirmed.

1 DONE at Lacey, Washington this 5<sup>th</sup> day of June, 1974.

2 POLLUTION CONTROL HEARINGS BOARD

3 Walt Woodward

4 WALT WOODWARD, Chairman

5 Mary Ellen McCaffree

6 MARY ELLEN MCCAFFREE, Member

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26 FINDINGS OF FACT,  
27 CONCLUSIONS AND ORDER